

Filed for intro on 02/26/2003
SENATE BILL 972 By
Miller J

HOUSE BILL 1933
By Bunch

AN ACT relative to authorizing county or municipal governments to impose a fee for regular distributions of certain items within the jurisdictional boundaries of the governmental entity.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The local governing body of a municipality or a county is authorized to impose a fee on the distribution of non-subscription papers, flyers, circulars or pamphlets which are delivered on a regularly scheduled basis within the jurisdictional boundaries of the governmental entity. Such fee does not apply to advertising flyers placed inside and delivered with daily or weekly newspapers sold at newsstands, or delivered to homes or businesses within the municipality or county to subscribers of such newspapers. Such fee is to be used for the purpose of off-setting costs of the municipality or county in litter control associated with disposal of such materials. Provided that if a municipality imposes such a fee, then a county may only impose the fee within the incorporated area of any municipality which does not impose the fee as well as any unincorporated area within the county.

SECTION 2. The local governing body is authorized to enact an ordinance, in the case of a municipality, or a resolution, in the case of a county, which protects the constitutional rights of distributors of material to which this act applies, to impose a fee of at least ten cents (10¢) per

paper, flyer, circular or pamphlet which is distributed within the jurisdictional boundaries of the governmental entity by any means other than through the United States postal service or by a business or courier which generally delivers packages to homes and businesses within the jurisdictional boundaries of the governmental entity.

SECTION 3. The ordinance or resolution shall establish a method:

- (1) For distributors of such material to register with the governing body; and
- (2) To impose and collect the fee for delivery of such materials.

The ordinance or resolution may provide for a civil monetary penalty for failure to register and pay the fee.

SECTION 4. The provisions of this act shall apply to any county having a population of not less than eighty-seven thousand nine hundred (87,900) nor more than eighty-eight thousand (88,000) according to the 2000 federal census or any subsequent federal census or any municipality in such county.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.